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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,837	09/17/2003	Pin-Hung Lin	FP9701	2692
52981	7590	11/15/2005	EXAMINER	
LEONG C LEI			THANH, QUANG D	
PMB # 1008			ART UNIT	
1867 YGNACIO VALLEY ROAD			PAPER NUMBER	
WALNUT CREEK, CA 94598			3764	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/663,837

Applicant(s)

LIN, PIN-HUNG

Examiner

Quang D. Thanh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is responsive to the amendment filed on 09/17/05. As directed by the amendment, claims 1-11 have been canceled and new claim 12 has been added. Thus, claim 12 is presently pending in this application.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki et al. (5,183,034).

Yamasaki discloses a centrifugal, rotating power element comprising a motor 38 (fig. 3) having a driving shaft 331, a swinging member having a root section (bottom part of 35 including shaft 351 as shown in fig. 3) and an end section (top part of 35), and the root section (bottom part of 35) and the end section (top part of 35), which is made of elastic material such as rubber (col. 3, lines 7-11) thereby providing the end section with flexibility, and the weight of the root section and that of the end section are of certain ratio (fig. 3, col. 3, lines 7-22) such that the end portion is driven by the driving shaft in rotation to provide a centrifugal motion (circular path as shown in fig. 9), the root section and the end section are connected flexibly such that when the driving shaft rotates, the end portion of the swinging element is provided with an appropriate torsional swinging force as a result of the centrifugal force (circular path as shown in fig. 9); a connection

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section of the end section and the root section of the swinging element is provided with a notch (indentation between the top part and the root part of massaging ball 35, best seen in figs. 5 and 6); wherein the driving shaft 421 (part of shaft 331) between the root section 422 of the swinging element and the motor is mounted with an anti-shock element 423 (best seen in fig. 8); wherein the anti-shock element is an elastic member (spring 423, col. 3, lines 38-44).

Yamasaki discloses the device having all the claimed features including a weight body 362 mounted on the end section 35 of the swinging element (fig. 5), except it is silent regarding a screw hole for mounting the weight body. However, it is well known in the art that fastening means such as screw, bolt or welding are conventionally used to secure elements together. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a screw hole for receiving a screw in order to attach the weight body to the end section, since the selection of any of these known equivalent fastening means would be within the level of ordinary skill in the art.

### ***Response to Arguments***

3. Applicant's arguments filed 9/17/05 have been fully considered but they are not persuasive.

Applicant's arguments are not persuasive because they merely recite the claim having all the elements, but do not clearly point out the patentable novelty that the applicant thinks the claims present in view of the state of the art disclosed by the

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references cited or the rejections made. Further more, they do not show how the amendments avoid such references or rejections.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Cronin can be reached on (571) 272-4536. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Quang D. Thanh', written in a cursive style.

Quang D. Thanh  
Patent Examiner  
Art Unit 3764  
(571) 272-4982